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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,132	12/15/2003	Curtis E. Cureton	02-637-US	3620

7590 09/09/2005
REED SMITH LLP
P.O. Box 488
Pittsburgh, PA 15230

EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,132

Applicant(s)

CURETON, CURTIS E.

Examiner

Shelley Self

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 4-20 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application due to poor legibility and clarity (See attached Draftsperson's Patent Drawing Review). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- Abstract, line 12, "*the wood may sealed or*" is not grammatically correct, Examiner suggests, --**the wood may be sealed or**--

Appropriate correction is required.

Claim Objections

Claim 3, line 3 is objected to because of the following informalities: "*broad surface*" should be --**broad surfaces**--. Appropriate correction is required.

Allowable Subject Matter

Claims 1, 2 and 4-20 are allowed.

Claim 3 contains allowable subject matter and would be allowable if re-written to correct the claim objection(s) noted above.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or fairly suggest a method for creating a decorative wood carving comprising; *sanding a first broad surface of wood*, transferring (drawing via a pencil) a design on the first surface of the wood, trenching said first surface according to the design; *re-sanding the first surface and applying heat to the first surface after trenching* in combination with the rest of the claimed limitations as set forth in claims 1 and 17.

The prior art of record, Moore (5,484,495) discloses a method for creating a decorative wood carving comprising selecting a porous wood surface (40, 42) upon which a pattern of a design (21) is created and transferred via an adhesive backing sheet (col. 2, lines 43-67) to the wood surface (40, 42), the pattern is then carved (col. 2, lines 55-67; col. 3, lines 26-28) into the wood surface. Once carving is completed the adhesive backing sheet is simply removed from the surface (40, 42) and discarded (col. 3, lines 47-52 to col. 4, lines 1-2). Moore is silent to any sanding, re-sanding or heat application. Accordingly, Moore fails to anticipate or render obvious the claimed invention as set forth in claims 1 and 17.

Prior art reference, Pickle et al. (5,327,951) discloses a method for creating a decorative wood carving comprising selecting a porous wood surface (col. 3, lines 34-36) having a top (13), bottom (14) and side walls (15) wherein a writing instrument is used to transfer a design to a top (13) surface of a workpiece (col. 3, lines 41-42), once the design is transferred a heated wood burning tool (18) is used to inscribe the line (20) of the drawn design (42-43) so as to impart a picture/decorative carving (17) on to the top (13) surface of the workpiece. The workpiece is

Art Unit: 3725

then subjected to a finishing operation, wherein the design is painted (col. 3, lines 46-49).

Although Pickle et al. discloses the use of heat as a means for trenching the design into the workpiece surface, it is inherent that Pickle's heated trenching operation will darken the surfaces of the wood that are in contact with the wood burning tool (18) during the trenching operation; thus disclosing heat to darken at least some surface of the wood. Pickle et al. does not disclose any sanding or re-sanding. Further, Pickle et al. does not disclose applying heat to the first surface *after* trenching. Instead, Pickle discloses trenching and heating occurring simultaneously via the wood-burning tool (18). Accordingly, Pickle et al. fails to anticipate or render obvious the claimed invention as set forth in claims 1 and 17.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1 and 17. Therefore, claims 1-17 contain allowable subject matter over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 3725

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

September 2, 2005